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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 11 August 1993, at 10 a.m.

Chairman: Mr. AL-KHASAWNEH

later: Mr. YIMER

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The meeting was called to order at 10.15 a.m.

STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-NINTH SESSION

1. The CHAIRMAN invited the Chairman of the Commission on Human Rights to address the Sub-Commission, pursuant to Commission on Human Rights resolution 1993/28.

2. Mr. ENNACEUR (Tunisia), speaking as the Chairman of the Commission on Human Rights, said that the forty-fifth session of the Sub-Commission was taking place just after the World Conference on Human Rights whose conclusions and recommendations had been discussed by the Sub-Commission. It was neither the time nor the place for him to say whether he considered the outcome of that Conference to be honourable or disappointing. It was however clear that the Commission and the Sub-Commission should take full account of those recommendations concerning their activities. One of the recommendations had been for increased coordination between organs dealing with human rights and the need to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication. It was an invitation to the Sub-Commission and the Commission to reflect, carry out studies and make proposals so that they might reassess their methods and programmes of work in order to rationalize them further and to ensure that the two bodies complemented each other more effectively and more efficiently.

3. The Sub-Commission, like the other interested parties, had an important role to play in implementing the other recommendations of the World Conference.

4. The dialogue maintained for several years between the Commission and Sub-Commission could only be strengthened in the light of the evolution of international relations towards a New World Order.

5. Still on the subject of the results of the World Conference, he wished to touch on the attempts to rationalize and improve the methods of work of all the United Nations organs as urged by the Conference.

6. If necessary, the Commission on Human Rights could ask the Sub-Commission to submit recommendations on thematic human rights issues requiring additional standard-setting work, in particular with regard to migrant workers, children, indigenous populations, minorities and other vulnerable categories which were also dealt with by the Commission. Proposals might also be made with a view to striking a better balance between the work of the Commission and that of the Sub-Commission which had thus far given priority to issues relating to civil and political rights rather than to those relating to economic, social and cultural rights. It seemed important to him that the Sub-Commission and the Commission should compensate, by appropriate proposals and studies, for the lack of interest at the World Conference in economic, social and cultural rights, which had greatly disappointed the developing countries. The agendas of the Sub-Commission and Commission could be rationalized in order to ensure a more balanced and in-depth consideration of all human rights. The Sub-Commission could submit recommendations along those lines to the Commission, which should also take a critical look at its methods of work with

a view to making them better balanced and more comprehensive. Joint efforts by the two bodies could only enhance the effectiveness of their work in protecting and promoting human rights throughout the world.

7. The Sub-Commission had always been on the look-out for new developments affecting the evolution of human rights. The interest it had shown from the beginning of the forty-fifth session in the situation in Bosnia and Herzegovina, the outcome of the World Conference, the humanitarian activities of the United Nations and the new challenges confronting the international community such as contemporary manifestations of racism, racial discrimination, xenophobia and intolerance based on religion or belief only served to confirm its role in the forefront of the human rights cause and to bolster the credit and respect it enjoyed in the Commission and among all those working for human rights.

8. The Sub-Commission was also to be congratulated on the efforts it had made to improve its working methods, culminating in the adoption of resolution 1992/8 at its forty-fourth session, which had included a set of principles and guidelines to assist it in its task. In the context of the complementary activities of the two bodies, the Commission on Human Rights had expressed its appreciation to the Sub-Commission for the importance of its contribution in resolution 1993/28.

9. Most of the guidelines offered to the Sub-Commission in resolution 1992/66 of the Commission, and in Economic and Social Council resolution 1991/32 attested to the fruitful cooperation between the two bodies since most of the recommendations were being implemented at the forty-fifth session.

10. It should be stressed, in reference to its resolution 1993/28, that the Commission on Human Rights remained convinced that it was essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members should continue to be its guiding principles. The Commission on Human Rights had noted the important measures taken by the Sub-Commission and in its resolution 1993/28 had invited the Sub-Commission to continue its consideration of ways in which its work should be improved with a view to making recommendations on a number of points.

11. They included making proposals concerning the rationalization of the agenda, improving coordination with the Commission on Human Rights and other organs of the United Nations acting in the field of human rights, the widest possible dissemination of the findings of the Sub-Commission, strengthening the independence of its experts and developing a programme of familiarization with work of the Sub-Commission for new members.

12. In accordance with its guiding principles, the Sub-Commission should continue to show self-discipline in selecting the number and the subject-matter of the studies it carried out, as well as in the number of resolutions and decisions it adopted every year, with a view to making better use of its means and resources and achieving a better balance between its work and that of the Commission on Human Rights.

13. The Sub-Commission was also to be congratulated on the quality of its reports and studies and on its standard-setting activities and its recognized contribution to the existing international legal framework, as well as on the many constructive proposals which it had put forward and which had later been endorsed by the Commission. For example, it had been further to Sub-Commission resolution 1992/5 on the measures to be taken to combat racism and racial discrimination that its recommendation concerning the appointment of a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia had been adopted by the Commission in its resolution 1993/20. The same had happened with regard to freedom of opinion and expression, which had constituted the subject-matter of a high-quality paper by Special Rapporteurs of the Sub-Commission, in the light of which the Commission, in its resolution 1993/45, had decided to appoint a Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

14. Similarly, the Commission, in its decision 1993/104, had decided to endorse the decision taken by the Sub-Commission to entrust Mr. El Khasawneh and Mr. Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfers, including the implantation of settlers and settlements and also to endorse the Sub-Commission's request to the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study.

15. At its current session the Sub-Commission was due to consider the questions of the new international economic order and the promotion of human rights under agenda item 7 and the realization of economic, social and cultural rights under agenda item 8. Although the Sub-Commission had taken no decision concerning item 7 at its forty-fourth session, at the current session it was due to consider the role and equal participation of women in development. The reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women would constitute significant inputs for the Sub-Commission's debates. Both the Commission on Human Rights at its latest session and the World Conference on Human Rights had displayed an unprecedented interest in the rights of women. At its next session the Commission on Human Rights would, in accordance with its resolution 1993/46, consider the appointment of a special rapporteur on violence against women, while the World Conference on Human Rights had expressed its concern about the various forms of discrimination and violence to which women continued to be subjected throughout the world and had recognized the equal and full participation of women in political, civil, economic, social and cultural life at all levels.

16. Under item 8 of its agenda the Sub-Commission would have to consider the possibility of examining, in a future study, the question of income distribution and the issue of the judiciability of economic, social and cultural rights. Issues such as the right to adequate housing and extreme poverty should continue to engage the Sub-Commission's attention, as well as issues relating to the right to development and the effect on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development.

17. Every year the Sub-Commission devoted part of its work to the consideration of communications received under the 1503 procedure. In that connection, the Sub-Commission might wish to bear in mind the recommendation made by the Vienna World Conference stressing the importance of preserving and strengthening the special procedures systems, particularly those of the Sub-Commission and the Commission. It had been recommended that periodic meetings should be held to harmonize and rationalize their operation. The Sub-Commission would no doubt continue to take up the human rights situations in specific countries with the utmost impartiality and objectivity, so that the Commission, adopting the same approach, could be in a position to consider, in a rational manner, the situations reported to it. In that connection it should perhaps be pointed out that the Commission, in its resolution 1993/58, had requested the Secretary-General to submit to it, at its fiftieth session, a report under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission". The report would deal with a number of criteria, norms and practices established by each of the various existing mechanisms in regard to the admissibility of communications and their preliminary evaluation; the original mandates assigned to the various treaty and non-treaty mechanisms established for supervision; and the criteria used in practice by the Centre for Human Rights to channel communications received to the machinery or bodies established under the 1503 confidential procedure.

18. Finally, he would like to stress that the international community, like the Commission at its last session, had taken a firm position by inviting all States to implement the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The World Conference had urged all States to take all appropriate measures and that position was clearly affirmed in Commission on Human Rights resolution 1993/25, which, while urging States to take all appropriate steps to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, had requested its Special Rapporteur to continue to examine actions that were incompatible with the provisions of the Declaration, and to recommend remedial measures, as appropriate. The African Region's Preparatory Meeting for the World Conference on Human Rights, held at Tunis in November 1992, had also studied the question and had invited the Commission on Human Rights to consider the proposal made by the Special Rapporteur on religious intolerance concerning the preparation of a binding international instrument which would supplement the standards already worked out by the international community.

19. He wished the Sub-Commission every success in its work and hoped that at the current session it would be able to make further suggestions and proposals for the purpose of strengthening dialogue and coordination between the Commission and the Sub-Commission in their complementary efforts to promote and protect human rights throughout the world.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued)
(E/CN.4/Sub.2/1993/12-14, 37; E/CN.4/Sub.2/1993/NGO 3 and 5)

20. Ms. BRIDEL (Association of Democratic Lawyers) said that in view of the fact that the elections had not been as favourable to President Rafsanjani as he had anticipated and that opposition movements had stepped up their resistance, there had been a new wave of repression in the Islamic Republic of Iran both inside and outside the capital. A new militia had been established to combat "social corruption" made up of 330,000 "volunteers".

21. Repression was being directed against women with renewed violence. For a long time there had been an awareness of the suffering of Iranian women under so-called "Islamic" laws which deprived them of their freedom, of employment and even a modicum of security. Subject to the male family members and then of their husbands, they had no one to defend them if the authorities accused them of having breached the "Islamic" code on dress or behaviour. They ran the risk of flagellation (74 whiplashes), acts of extreme brutality, detention in inhuman conditions and ultimately the death sentence which was often without a trial or after a sham trial. The terms "social corruption" and "non-respect of Islamic values" were used in charging Iranian women. On 23 June 1993, according to the international press, more than 800 women had been arrested on such charges.

22. Definitions of women's "inferiority" had been issued by President Rafsanjani to justify persecution, sexual discrimination and, in effect, to establish a system of what amounted to apartheid. Women alone or in groups were often attacked in the street, in other public places or in their homes, beaten with chains and then taken away by the militia to places of detention where it was very difficult and sometimes impossible to find them. The murder of a woman by her husband, father, brother or other male member of the family was justified on the grounds that she had committed an act of which they disapproved. Women were segregated in hospitals and were not given the same care. Taxi-drivers had been ordered not to accept women passengers if they considered them to be insufficiently veiled, and shopkeepers had also been told not to serve them for the same reason. The Western press and the Special Representative on the human rights situation in the Islamic Republic of Iran, Mr. Reynaldo Galindo Pohl, were aware of those facts, as well as of the death sentences, often by stoning, passed on many and increasing numbers of women.

23. Her organization associated itself with the plan of the National Council of Resistance on the rights and freedoms of Iranian women. The rights set out in the plan included: the right to vote and to be elected in all elections and to vote in all polls; the right to work and to a free choice of employment; the right of access to all levels, posts and all public and State occupations, including the Presidency of the Republic and to all bodies of the magistracy; the right freely to take part in social and political activities, to travel and to freedom of movement without having to obtain authorization; the right to a free choice of dress; the right to enjoy, without

discrimination, all educational, sporting, and artistic opportunities and the right to take part in all sporting events and artistic activities; recognition of women's organizations and assistance for women to voluntarily form groups throughout the country. Further, women should enjoy specific privileges in certain social, cultural and administrative sectors in the sphere of education to end the inequality and twofold repression suffered by women. Women should be guaranteed equal pay for equal work. Discrimination in recruitment and labour should be prohibited. Women should enjoy equal rights in terms of benefits such as paid leave, retirement and disability pensions, family allowances and unemployment benefit, and enjoy specific additional benefits such as paid maternity leave, assistance when pregnant, and in terms of child birth and child care. They should enjoy total freedom with regard to choice of husband and marriage. Marriages should only be sanctioned where there was mutual consent and then registered by legal authorities. Marriage under the legal age should be prohibited, along with the imposition of any restraints on women in family life. They should enjoy equal rights with regard to divorce, and divorce should be pronounced by competent legal authorities. Men and women should have the same rights in citing reasons for the divorce. The terms of custody of the children, their upbringing and the division of property should be established when the divorce was decreed. Assistance should be provided for widows, divorced women and their dependent children under a national social security system. Legal inequalities should be eradicated with regard to hearings, guardianship, and the custody of children, and inheritance. Furthermore, polygamy should be prohibited. In special circumstances measures should be taken in law. Any sexual exploitation of women, for whatever reason, should be prohibited and there should be an end to all traditions, rules and laws allowing parents, guardians or other persons to hand over a young girl or women for marriage or other reasons to a third party, for purposes of sexual exploitation.

24. Ms. TETHONG (International Association of Educators for World Peace) said that her organization was deeply concerned by the massive violations of human rights taking place all over the world and was appalled at the tragic situation in Europe where millions of human beings had become victims of violations unprecedented in recent years. Consideration needed to be given to the question of why there was a failure to stop aggression, genocide and violations of human dignity and to stop the violations in Bosnia and Herzegovina, East Timor, Inner Mongolia, East Turkistan, the Chittagong Hill Tracts and Bougainville.

25. However, there were many other countries where oppressed people were suffering from systematic violations of human rights. One of them was Tibet, where the People's Republic of China had been committing gross human rights violations every day for 43 years. Tibetans considered that period of foreign subjugation as the darkest period in their history and civilization. Genocide had also been committed against the 6 million Tibetan people, whose individual and collective freedom and dignity had been suppressed.

26. The situation in Tibet was far from "normal" and "stable" as the Chinese authority wanted the Sub-Commission to believe. If China had been speaking the truth, there would have been no need for the people of Tibet to stage more than 150 demonstrations against the Chinese occupation in the preceding six years. Nor would there have been a need for the Chinese authorities

arbitrarily to detain Tibetans, including Gendun Rinchen and Lobsang Yonten before the arrival of the European Community delegation in Tibet in May 1993. Nor would there have been a need for thousands of Tibetans to cross the Himalayas to flee Chinese persecution every year. The large-scale demonstrations held in Tibet in May 1993 had once again shown to the world that the Tibetans did not wish to live under Chinese rule and domination any longer. Despite Chinese assertions to the contrary, there had been no progress in Tibet. Tibetans were discriminated against as second-class citizens in their own country. In a manner typical of colonialist administration, all positions of power, whether political, economic, social, cultural or even religious, were held by Chinese.

27. Two aspects of the situation in Tibet should be highlighted in particular.

28. The first aspect was the Chinese policy aimed at the gradual annihilation of the distinct national and cultural identity of the Tibetan people. The current Chinese demographic influx which was a combination of the direct transfer of Chinese by the Government, government-induced relocation, and spontaneous migration with direct government support constituted the most critical threat to Tibet. The influx was assimilating Tibet and Tibetans at a rate unknown to previous decades. Furthermore, the Chinese decision to open all check-points between Tibet and China and to open up Tibet economically, was seen by Tibetans and observers as a further method of speeding up the transfer of Chinese settlers into Tibet. The population transfer was resulting in widespread discrimination against the local population both by the authorities and the settlers. Tibetans were facing discrimination in education, employment, housing and health-care. The Tibetan population was among the poorest in the world with an estimated per capita income of US$ 80 in 1990. The literacy rate of Tibetans in Tibet (21.7 per cent) was shockingly low, unemployment among Tibetans (as opposed to Chinese settlers) in Tibet was growing fast and life expectancy was one of the lowest in the world.

29. The second aspect was the implementation of coercive birth-control measures against Tibetan women. Against their will, they were being subjected to abortions, sterilization and even infanticide. From the early 1980s, China had imposed a policy of allowing Tibetan couples to have only two children. The Government had announced that only 12 per cent of the people in Tibet were covered by the family-planning policy. Tibetans in the countryside had supposedly been exempt. However, in reality, orders had been given to issue fines (some ranging from 1,500 to 3,000 yuan or US$ 400 to 800) for the birth of a third child for all Tibetans. Coercive birth-control methods had and continued to be applied to Tibetan women. A statement made on 5 November 1987 by the "Tibetan Autonomous Region" Family Planning Department in Lhasa said that there were 104,024 women of child-bearing age, of whom 76,220 were married. Of them, 22,634 had already undergone birth-control operations, which amounted to 30 per cent of women of child-bearing age. In 1986, 19 per cent of women in Nyingtri, Lhokha and Shigatse had been sterilized. It was obvious that birth-control measures were being implemented unnecessarily on a country that was under-populated. Tibetans believed

there was no need for such measures and firmly disapproved of them. Tibetans were Buddhists who valued any kind of life as a precious gift and believed it was a heinous sin to suppress such a gift before birth.

30. The most recent reports from rural areas in southern Tibet stated that a de facto state of emergency had been imposed by military and para-military units of the Chinese authorities in the Kyimshi township under the Lhokha prefecture. After a pro-independence demonstration in the area on 29 May 1993, the Chinese authorities had deployed 1,700 troops around the village and had conducted searches and arrests and had terrorized the population. An appeal had been made in a letter smuggled from Kyimshi calling for urgent action to be taken by the United Nations.

31. Her organization believed that cultural genocide was taking place in Tibet, where population transfer into the country and coercive birth control practices on Tibetan women directly affected the survival of Tibetans as a people and as a nation. It therefore called upon the Sub-Commission to address the situation and take effective steps such as the appointment of a special rapporteur on Tibet.

32. Mr. Yimer took the chair.

33. Ms. ROY (Survival International) said that she wished to draw attention to the continuing violation of human rights and fundamental freedoms of the peoples of Tibet, Inner Mongolia, Bougainville, Nigeria and East Timor, and in particular of the indigenous peoples of the Chittagong Hill Tracts in Bangladesh.

34. Thirteen different tribes lived in the region of the Chittagong Hill Tracts in south-east Bangladesh and collectively identified themselves as Jummas. They differed from the majority Bengali population in race, religion and creed.

35. Government policies of assimilation had resulted in continuous and persistent reports of gross violations of the human rights and fundamental freedoms of the Jumma peoples which had been well documented by Amnesty International, and other international organizations. The Jummas were subjected to torture, arbitrary arrest, illegal detention, arson, looting, religious persecution and mass killings. In a situation, which mirrored that of Bosnia and Herzegovina, the rape of Jumma women by security forces and settlers was widespread. As a result of the gross and continuing abuses, 57,000 Jummas had taken refuge in neighbouring countries.

36. Although democracy had been restored to the rest of Bangladesh, the Chittagong Hill Tracts remained under de facto military control. The area was sealed off and there were frequent military checkposts. Evidence indicated that the main perpetrators of most human rights abuses were the military and paramilitary forces and the 450,000 plainsmen settlers brought into the region. At the same time, the Jummas were being relocated to cluster villages, allegedly for their protection as part of a counter-insurgency strategy. The Jumma lands were then given to the plains settlers. An already difficult situation was further complicated by the fact that the Government supplied arms to the settlers who had grouped themselves into

a Village Defence Force. The result had been violence. The most recent incident had occurred in the cluster village of Logang on 10 April 1992 when Jumma villagers, including women and children, had been burned to death. Estimates of the number of victims varied and her association believed that there had been more than 1,000 killed whilst Amnesty International put the figure at about 132. The killing of unarmed civilians in Logang showed the Bangladesh Government's failure to prevent any kind of retaliatory attacks on the hill people by the military, settlers or other security forces. It stressed the urgency of a situation and that needed to be addressed in a comprehensive and concrete manner. The report of the Government on the Logang incident had not been conducted under conditions conducive to a fair and impartial investigation. It was disturbing to note that the report recommended that the settlers should be given more arms, although it found that the settlers and the security forces had been responsible for the attack in the first place.

37. The Jana Sanghati Samiti (JSS), the major political party of the Jummas, had formed an armed wing, the Shanti Bahini, in response to gross and persistent human rights abuses against the Jummas. The seventh round of talks between the JSS and the Government was presently under way. The main demand of the JSS was for regional autonomy within the framework of national legislation, and the return of all Jumma lands which had been illegally seized.

38. In a further development, the Governments of India and Bangladesh had agreed to repatriate the Jumma refugees. However, the refugees refused to return without guarantees of a safe return under international auspices, and the restitution of their lands. Although the Indian Government had given verbal assurances that there would be no forcible repatriation, there had been reports that non-violent measures, including the curtailment of essential supplies, such as food and medicine, would be implemented.

39. The heart of the matter was the land. A lasting political settlement of the crisis, including the repatriation of refugees, could not be achieved without resolving the question of the land rights of the Jummas and their right to determine their future role in national life at all levels.

40. The international community, including the Sub-Commission, should urge the Government of Bangladesh to resolve the situation in the Chittagong Hill Tracts by entering into meaningful dialogue with the JSS.

41. She appealed to the Indian Government, on behalf of the Jumma refugees, to ensure that there was no forcible or coercive repatriation. Furthermore, international humanitarian agencies, including the UNHCR, should be granted access to the refugee camps.

42. Mr. SANDERS (Anti-Slavery International for the Protection of Human Rights) said that in a number of situations, including those involving the Chittagong Hill Tracts of Bangladesh, the Nuba Mountain peoples in southern Sudan, the Kurds, the national minorities in Myanmar, and that in parts of Indonesia, to mention but a few, territorial cultural minorities were involved, who were sometimes tribal or indigenous peoples. In each case, severe pressure had been brought to bear on the people as a result of

State-sponsored projects. Some were transmigration projects. Some were major development projects. In some cases the people were subjected to aggressive programmes of cultural assimilation. In the Chittagong Hill Tracts and the Nuba Mountains, all three such problems had occurred.

43. In those situations, where externally generated pressures threatened the economic and cultural survival of the group, there was often an aggressive response by the people affected. That created a situation of insurgency as far as the State was concerned, but resistance as far as the people were concerned. The State then described its actions as combating secessionist violence. Once the situation had been militarized on both sides, negotiations or a resolution were very difficult.

44. To add to the problem, such situations occurred in isolated areas. They occurred in developing countries or in countries with multiple patterns of human rights abuses. Accurate information was often difficult to obtain.

45. In general, the human rights bodies of the United Nations had not responded to such situations. It had taken the extraordinary events of the Gulf war before there had been United Nations actions in relation to the Kurds. On the question of whether the United Nations could begin to address situations like those in the Chittagong Hill Tracts and southern Sudan, he was aware of the problem of inadequate resources and of the limited mandates of the various United Nations bodies, but it was extremely important to recognize that attention to such issues by the Sub-Commission could play a positive role.

46. It was also important to recognize that international publicity and diplomatic pressure had had an impact on the Government of Bangladesh. Even General Ershad had responded to international pressure. In 1990, speaking in Brussels to members of the European Parliament, he had announced that transmigration had ended and that outside observers were welcome. His Government had allowed three or four observer delegations into the Chittagong Hill Tracts before his corrupt regime had been overthrown. In June 1993, Sheik Hasina, the leader of the Awami League opposition in the Bangladesh Parliament had spoken at the NGO forum preceding the World Conference on Human Rights in Vienna. Although she had felt obliged to make some reference to the situation in the Chittagong Hill Tracts she had confined herself merely to one sentence, saying that she hoped for a peaceful resolution of the issues in the Chittagong Hill Tracts. In April 1993, the aid consortium which met in Paris for the first time had publicly expressed concern about the situation in the region. That brought real pressure on Bangladesh. After the Logang massacre in April 1992, the Government of Bangladesh had felt obliged to appoint a judicial inquiry into the event. For the first time, the report of such an inquiry had been made public. Publicity about the situation had had a clear effect on the Government of India, which had refused, on more than one occasion, to repatriate forcibly the Jumma refugees back to Bangladesh. New Delhi knew that such an action would trigger protests from non-governmental organizations and criticism from a number of Governments.

47. The situation in the Chittagong Hill Tracts had been examined under many international procedures, including those of the International Labour Organisation and had repeatedly been the subject of the 1503 procedure.

48. The Government of Bangladesh had acknowledged many of the problems. It was not intractable on the issue, although the control of the area was still in the hands of the military and sour relations with India had inhibited government concessions. New negotiations were under way. There was no great optimism about the outcome, but the Government of Bangladesh was acknowledging the existence of serious problems and talks were taking place.

49. Of the cases of human rights violations he had mentioned, namely Sudan, Iraq, Indonesia and Myanmar, Bangladesh was by far the most amenable to outside assistance, outside monitoring and outside concern. A public initiative by the United Nations could be very helpful. The credibility of the United Nations required an expansion of the present patterns of investigation, analysis, decision-making, monitoring and advisory services.

50. Ms. MANN (World Organization Against Torture) said that on 30 March 1993, the Government of Israel had responded to the fresh wave of violence in which 15 Israelis had been killed by Palestinians from the occupied territories by closing the Gaza Strip and, on the following day, the West Bank. That action had not only prevented the movement of residents of the West Bank and Gaza Strip into Israel and obstructed free movement between the northern and southern parts of the West Bank, but also amounted to collective punishment of some two million people and was therefore in flagrant violation of the principles of basic law.

51. Some 100,000 residents of the occupied territories gainfully employed in Israel had been prevented from reaching their place of work, and thereby deprived of their economic livelihood. In addition, workers in the occupied territories who sold their goods in Israel had been prevented from doing so. Long waits at check-points and border controls had further complicated the situation. The economic consequences of the closure for the occupied territories were therefore likely to be devastating in the long term.

52. Patients requiring medical care or on-going treatment had had to contend with serious obstacles in their attempts to reach medical institutions in the East Jerusalem area. Access to higher educational facilities had been obstructed. The families of prisoners held in prisons and detention centres in Israel had been unable to visit their kin and the legal system in the occupied territories had been disrupted as the movement of lawyers families had been restricted. By closing the occupied territories and provoking the disruption of its economic and social life, the Government of Israel had clearly violated its obligations under Section 43 of the Hague Regulations which called upon occupying States to provide for the welfare and orderly life of the residents of territories under occupation.

53. The closure of the occupied territories, however, came within the wider context of a general climate of violence and repression against the Palestinian population and the residents of the occupied territories. Following the Six Day war of 1967 and the subsequent annexation of the occupied territories by the State of Israel, the Palestinian population had

seen its human rights constantly violated. Random killings of Palestinian citizens by the Israeli military had become a fact of life. Thousands of people were in detention, many in administrative detention, without access to a fair trial and some were even being subjected to multiple forms of torture and brutal ill-treatment. Hundreds of Palestinian homes had been sealed or destroyed in the hunt for suspect terrorists. Land had been confiscated. Palestinians had been expelled from the occupied territories. People had been arrested and interrogated and others beaten and terrorized.

54. In view of that situation, her organization called upon the State of Israel to put an end to the human rights violations of Palestinians in the occupied territories and the collective punishment of two million people and to reopen the West Bank and Gaza Strip and thereby fulfil its obligations under international law.

55. During its forty-third session, the Sub-Commission had adopted resolution 1991/10 on the human rights situation in Tibet. Since then, the situation had not improved and, on the contrary, continued to deteriorate. In recent months, the number of demonstrations calling for Tibetan independence from Chinese domination had increased and the repression and violence with which the demonstrations had been met by the Chinese authorities had intensified. The repression had been amply demonstrated over the years of Chinese occupation and particularly since 1988. Hundreds of arrests of peaceful demonstrators had been made in 1993. Recent information supplied to her organization indicated that in a two-week period between 27 May and 7 June, some 190 Tibetans had been arrested. The widespread use of torture in prisons and reform through labour camps, in flagrant violation of all international standards, had led to the death of more than one individual and able-bodied, healthy men had been reduced to a state of complete infirmity.

56. Her organization deplored the decision taken by the Chinese authorities in August 1992 to transform Tibet into a special economic zone and encourage investment in and the migration of Chinese to the region. It was feared the move would lead to further human rights violations and serve to marginalize the Tibet population economically. The Chinese had been exploiting Tibetan natural resources, thereby denying the Tibetan population the right to dispose of their own resources, and a great number of commercial enterprises in and around Lhasa were already owned by Chinese. In addition, the decision had made it easier for the Chinese to transfer large numbers of Chinese to Tibet and, in the long run, to marginalize the Tibetan population within its own territory. Furthermore, any protest against such economic activities on the part of the Tibetans was likely to be met by increased repression and, ultimately, imprisonment accompanied by brutal torture and ill-treatment.

57. Her organization wished to draw the attention of the Sub-Commission to article 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples which stated that all peoples had the right to self-determination and by virtue of that fact they should be able freely to determine their political status and pursue their economic, social and cultural development.

58. Her organization called upon the Sub-Commission to urge the Chinese authorities to put an end to human rights violations against the Tibetan population and to respect their international obligations. Furthermore, it requested that the Sub-Commission should agree to the appointment of a special rapporteur to investigate the human rights situation in Tibet. Finally, it urged the Chinese authorities to authorize fact-finding missions to Tibet by existing rapporteurs and members of the NGO community.

59. At the previous session of the Sub-Commission resolution 1992/20 had been adopted on the situation in East Timor. Since then, her organization was distressed to observe that the human rights situation had continued to deteriorate.

60. Since Indonesian troops first occupied East Timor, thereby de facto incorporating it into Indonesia, little or no regard had been shown for human rights or the right to self-determination of the Timorese people. During nearly two decades of Indonesian occupation, some 200,000 people had perished, which amounted to almost one third of the population, whilst others had been arrested, imprisoned and tortured. The economic rights of the East Timorese had been brushed aside and the transfer of groups of people from other parts of the Indonesian archipelago had been seen as an attempt to transform the demographic structure of the island and make the annexation irreversible.

61. The recent life sentence handed down to Xanana Gusmao, the leader of East Timor's FRETILIN movement, after what many observers had described as an unfair trial had only exacerbated an already volatile situation. The occupation of East Timor by Indonesia was a breach of international standards and the repressive methods adopted primarily by the Indonesian military to maintain the illegal annexation went against all international human rights agreements and conventions. Her organization called on the Sub-Commission to urge the Government of Indonesia to respect resolution 1992/20 adopted at the forty-fourth session of the Sub-Commission and to put an end to human rights violations.

62. Mr. KHALIFA said his first point was that there was a need to take stock as a result of the gross human rights violations of the 1990s, the most significant of which had been committed by those at the vanguard of the international community. The major principles of the law of nations, namely the right to self-determination and the principle of non-intervention in the internal affairs of a State, were being flouted. Gross violations of human rights were occurring on an unprecedented scale and those committed by the major Powers were serving as prototypes for lesser powers like Israel and the Serbs and as inspiration to power-hungry factions in Cambodia, Somalia and Angola.

63. Human rights reflected the internal and international system. At the international level, lack of respect for human rights was to a great extent due to the recent loss in equilibrium in international relations. A new devastating doctrine had emerged, that of intervention under the cover of human rights. Even when authorized by the Security Council, so-called humanitarian intervention did more harm than good since there were no

recognized criteria governing it and it was not codified. That was surely why the Conference on Security and Cooperation in Europe had explicitly forbidden direct or indirect intervention in the domestic jurisdiction of another State.

64. The United States of America kept resisting even the merest hint of international scrutiny. It had taken years to ratify the International Covenant on Civil and Political Rights, and even then had made many reservations to it, and likewise with the Convention on Genocide.

65. It seemed that humanitarian intervention meant one rule for one part of the world and another rule for the rest and allowed the North to intervene in the affairs of the South. It might only be the beginning of the disintegration of international law. The British Foreign Secretary had even proposed reconstituting the Trusteeship Council to oversee the transition of former colonies to independence. Prince Sihanouk had said that Cambodia was no longer a sovereign State but would achieve independence in 1994 when the United Nations could no longer afford to remain there. It was clear that the United States of America and the United Nations had taken on disproportionate global responsibilities and that the United Nations was overburdened by its peace-keeping functions which were in fact gradually becoming peace-making operations without sufficient account being taken of what the United Nations could or could not do without jeopardizing its character or credibility.

66. The second point he wished to make was on a subject which had not been given the attention it deserved, and that was the role of NGOs, which were characterized in principle by their independence of thought and action, unlike Governments which generally acted in their own interests. NGOs definitely had a role to play and nobody dared deny the impact of those high-powered organizations and their contribution to United Nations endeavours in the cause of human rights - it sufficed to have observed the pressure they had exerted at the 1993 World Conference on Human Rights and the Preparatory Meetings leading up to it.

67. He did not wish to refer to all NGOs, just those giants which had cast their awesome shadow throughout the world and more specifically those which had found human rights to be a glamorous subject. He was struck by the resemblance between NGOs and transnational corporations (TNCs), which were intercontinental and fearfully powerful. Human rights NGOs were more attractive than TNCs since they dealt in the precious commodity of human rights. They went to great lengths to appear objective and had thus acquired considerable moral support and influence. The major human rights NGOs had the added privilege of extensive media coverage with their reports receiving a level of attention which could only be matched by a few Governments.

68. They had reached out to the extent that they left no stone unturned, even criticizing the distant land of the Sultanate of Brunei Darussalam where people were lucky enough to live in peace and prosperity. The good done by some NGOs should not be ignored since they drew attention to specific situations and helped create awareness. Their staff members were drawn from the brightest and most respectable but they were working in an extremely sensitive field and doing a job that carried the risk of impairing their objectivity. The world needed human rights organizations that did not get carried away or judged harshly and lightly.

69. Lastly, he wished to mention terrorism which threatened to destroy the right to life, institutions and mankind's dearest achievements. Governments, NGOs and international organizations should not ignore or belittle the horror of terrorism nor should they consider any society to be immune from it. It was becoming more sophisticated every day, economic terrorism was on the rise and new weapons of mass destruction might fall into the hands of terrorists at any moment.

70. Should human rights be used as a pretext to cave in to terrorism? That was a hard question to answer. Terrorists were rarely apprehended and punished. There had been no convictions on the British mainland over the previous five years, for instance. Naturally, even lawlessness should be dealt with by the law and laws to counter terrorism were being tightened up even in the oldest democracies of Europe. Every Government had a sacred duty to combat rebel violence and terrorism. When a country fell prey to terrorism it should seek a thoughtful balance, fairness and compassion for the innocent victims.

71. The international order was characterized by gun diplomacy and the imposition of injustice. It was a kind of order that could only create situations that served as hotbeds of terrorism. Every unjust settlement was a starting point for terror. We might all be against terrorism but we were at the same time the creators of terrorism. The Bosnian conflict, for instance, could spawn terrorist acts throughout Europe for years to come. No fanatic represented a religion and no religion could be reduced to fanaticism but nevertheless injustice bred terror.

72. Mr. TEITELBAUM (American Association of Jurists) said that in Peru on 22 October 1992 Decree-Law No. 25572 had been published, amending the budget approved by Parliament before the coup d'état. Social expenditure had been reduced by 42 per cent, affecting food support and health programmes, whereas the funds allocated to the payment of the external debt had been increased by 316 million soles, in a country where the number of persons living in conditions of critical poverty had risen from 7 to 12 million in 1991 alone, out of a total population of 18 million. Such was the result of the implementation of structural adjustment programmes by a Government broadly supported by FMI and international banks. Social inequalities in Peru had been extreme for a long time, and in the past two years the gap had widened rapidly, providing a breeding ground for unacceptable forms of violence and for equally unacceptable violent responses by the Government and the armed forces. The victims were the farmers, the indigenous peoples, trade union and working-class leaders, students, teachers and children. Peru continued to beat all records as far as disappearances and murders committed by the armed forces and police were concerned.

73. The Government had dismantled the constitutional State, replacing it by a State based on the armed forces and economic power. The existence of the Constituent Congress, which had just approved the death penalty for a wide range of offences, could not hide that reality. A clear indicator for measuring the extent to which democratic institutions had deteriorated in Peru was the fact that lawyers were prevented from exercising their profession. Two of them, who had assumed responsibility for the defence of leaders of Sendero Luminoso, had been sentenced to life imprisonment. Another,

Mr. Saavedra Marreros had been tortured and forced to confess an alleged link with a guerrilla movement and sentenced to 10 years' imprisonment, as reflected in paragraph 120 of the 1990 report of the Special Rapporteur on torture (E/CN.4/1990/17). The Working Group on Arbitrary Detention had decided that the detention of Mr. Saavedra Marreros had not been arbitrary, as was indicated in its 1993 report (E/CN.4/1993/24). The American Association of Jurists (AAJ) fully disagreed with the Working Group's decision, since the legal framework for the latter's activities was the Universal Declaration of Human Rights, which prohibited torture and required courts to be independent and impartial. That was not so in the case of military tribunals, which had no jurisdiction to try a lawyer exercising his profession, even if that was authorized by repressive Peruvian legislation.

74. The Peruvian Children and Adolescents' Code had come into force in July 1993. Although it was supposed to protect minors, it had fixed the minimum age of employment at 12 years at a time when in almost all countries that had acceded to ILO Minimum Age Convention (No. 138) the minimum age was 15 or 16 years, and in a few countries 14 years. Another unusual aspect of the Code was the introduction of a category of unpaid family workers, who were entitled to 12 continuous hours of rest every day. In other words, they could be obliged to work for nothing for 12 hours a day, which amounted to a return to institutionalized slavery. Minors were also the victims of enforced disappearances, as in the case of Maguiña Campuzano, who had been taken away by the security forces on 10 March 1993. The Sub-Commission needed to adopt a clear position on the massive and systematic violation of human rights in Peru and it might be necessary to appoint a special rapporteur for that country.

75. In 1992 a study on State terrorism in Colombia had been was published, sponsored by AAJ and other NGOs. It contained information on 350 members of the armed forces and police who had violated human rights. The Prosecutor-General of Colombia had expressed concern about it. However, he had admitted that, of the 247 army officers mentioned in the book, 91 had been involved in 100 investigations into alleged violations of human rights. A variety of punishments had been meted out, but not a single case had resulted in imprisonment. Moreover, the Procurator-General had omitted to state that 21 of the military personnel and policemen mentioned in the book had been promoted.

76. In his second report on human rights, the same Procurator-General had stated that in 1992 his Office had received 2,618 denunciations of human rights violations, with a total of 3,029 victims. According to the denunciations, 58 per cent of the violations had been committed by the police and 15.6 per cent by the armed forces.

77. On 15 April 1993 the Government of Colombia had issued Decree No. 709, which increased the penalties for offences involving terrorist actions and organized crime to between 20 and 60 years imprisonment. As far as AAJ was aware, no other modern penal legislation provided for such extensive prison sentences, except in the case of the accumulated sentences applied in some countries. The decree excluded the possibility of any reduction of penalties. Nevertheless, the decree did not provide for any penalty for members of the armed forces and the police.

78. It had to be concluded that although the situation in Colombia was sui generis because of the range of factors leading to violence, the Government was applying, through complicity or impotence, a double standard that left unpunished terrorism practised by the armed forces and police. AAJ therefore considered that the technical assistance which the Centre for Human Rights had been providing to Colombia for several years was not producing any positive result and merely served to pervert the meaning of such assistance. Technical assistance should be provided to those Governments that demonstrated a clear political will to progress towards greater respect for human rights, which was not the case in Colombia, where the technical assistance programme could only serve to veil a situation of serious violations of human rights and to provide the Government responsible with a positive international image. Technical assistance to Colombia should therefore be discontinued, and the best form of help that could be given to Colombian civil society was for the Sub-Commission to take an unambiguous stand on the serious situation there and on the particular responsibility of the country's armed forces and police.

79. It would be helpful if Commission on Human Rights resolution 1993/87 calling for the appointment of a board of trustees for the Voluntary Fund for Technical Cooperation could be implemented as soon as possible.

80. AAJ also wished to draw attention to murders of opposition leaders and members that occurred outside their own country. For example, the murder of a Kurdish demonstrator at Bern by gunfire coming from inside the Turkish Embassy had remained unpunished. An Iranian opposition leader had been murdered in Rome, four leaders of the Kurdish opposition to the Iranian Government had been murdered in Berlin, and similar murders had also taken place in Istanbul and Karachi. The judicial and diplomatic reactions of the States in whose territory those crimes had been committed had been extremely weak. The Sub-Commission should express its concern regarding those offences and urge States to intensify measures to guarantee the safety within their territories of political opponents of regimes that cared little about human rights and suggest that States in whose territories such acts occurred should adopt a firmer diplomatic stand.

81. Ms. BOUVIER (Minority Rights Group) asked members of the Sub-Commission how they decided which issues should be given priority in the protection of minorities and how they reviewed their effectiveness in protecting minorities. It was now widely recognized by many States and experts that the greatest threats to regional security currently arose from conflicts between different ethnic or religious groups. The Minority Rights Group (MRG) suggested that internationally agreed standards, and in particular the new United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, should constitute the criteria for the Sub-Commission's judgements, that the importance of the Sub-Commission's work in providing an early warning of threats to peace and security was underestimated, and that the Secretary-General should be promptly notified of the Sub-Commission's findings in matters which might constitute a threat to peace.

82. MRG had reflected on its recent research on Tibet, on the Chinese in South East Asia, on the native peoples of the Russian far North, on minorities in eastern Europe, on Kurds and on the marsh Arabs of Iraq, each of whose

situations failed to meet the standard set on identity in article 1 of the aforementioned United Nations Declaration. However, it wished to focus its attention on the former Yugoslavia. The failure of the international community, and in particular of western Europe, to anticipate the collapse of Yugoslavia and to take measures to counter consistent abuses of human rights, including group rights, had led to a conservative estimate of 130,000 deaths, mainly in Bosnia, and of over 2 million refugees and displaced people. It was very clear that the peoples of western Europe, though not their Governments, wanted and had wanted much more to be done to protect the people of Bosnia and to help refugees. The historic description of Sarajevo as a multi-ethnic, multireligious community living in harmony had moved many people and had been well brought out in the studies prepared by her organization, which over the past three years had issued consistent warnings of the dangers lying ahead in Yugoslavia.

83. It was hardly surprising that unfavourable comparisons were made between the remedial action taken in Iraq and in Bosnia. Even in Iraq there had been a lack of consistency, including the arming of Saddam Hussein, a failure to disarm him, and the price that the Kurds and the Shi'ites of the South had had to pay. The situation of the marsh Arabs, on whom MRG had prepared a research paper, had been extremely serious for the past 18 months. The Special Rapporteur, Mr. van der Stoel had that pointed out, but his recommendations had not been acted upon. Thus it was no surprise that news was now being received from UNHCR in Iran of a major flow of marsh Arabs into that country. The current debate on the universality of human rights became purely academic if there was a lack of consistency in implementation and if the action taken was only short-term.

84. The short-term inconsistent support of human rights was also evident in international action with regard to Serbia. The goal of a Greater Serbia was being achieved by the gross abuse of individual and group rights and the world should not be deceived by limited tactical withdrawals by Serbian extremists. The major concern must go beyond Bosnia to include Kosovo and Voijvodina, where "ethnic cleansing" might take place over the next few years and where there was a real danger of a regional war. MRG, together with the International Helsinki Federation, the European Consultation on Refugees and Exiles and the Danish Centre on Human Rights had, with the help of the European Parliament, convened a conference in February 1993 on how to prevent the spread of war in the Balkans. MRG had also commissioned two research papers, one on Kosovo and one on the regional implications of a violent conflict there. MRG's research showed that in Kosovo there had been a gross abuse of the right to an Albanian religious and cultural identity, of the right to participate effectively in regional decisions, of the right to instruction in one's mother tongue, of the right to participate fully in economic progress and development, and of the right to policies and programmes that had due regard to the legitimate interests of minorities in employment, health care and food - all in violation of the United Nations Declaration. A report detailing those abuses would be distributed to members of the Sub-Commission. United Nations involvement in Kosovo was now essential if ethnic cleansing was to be avoided: for years ethnic Albanians had been appealing to the Commission and trying to achieve group rights within Yugoslavia, drawing attention to increasing Serbian oppression.

The United Nations had failed to take action to secure their human rights. Unwisely, the link between human rights violations and the threat to peace and stability had not been established.

85. Today the situation in Kosovo was explosive: a spark could ignite a conflict and lead to a mass exodus. It would probably come when the extreme Serbian nationalists had peace in Bosnia or when elections approached. Regional autonomy had never had any political support from Serbian nationalists and no longer enjoyed the support of ethnic Albanians. The oppression of the latter had initially been a dictatorial response and had recently become an assertion of Serbian nationalism and an understandable but disastrous response to growing Albanian nationalism. The demand for Kosovo's independence increased Serbian aggression and escalated tensions between the two communities; it would probably lead to massive ethnic cleansing.

86. The United Nations must act now as a mediator and find a solution with which both parties could live before the war in Bosnia ended and a war in Kosovo began. It would also have to provide a military guarantee that would ensure the protection of minority rights, based on the minimum standards set forth in the United Nations Declaration and the CSCE commitments. Without such protection, the future of minorities and the prospects of peace and security in the region looked very bleak.

87. MRG therefore recommended that the Sub-Commission should use the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities as the major standard for judging the degree of protection of minorities; that it should condemn Serbia for its gross abuse of group rights in Kosovo; that it should demand the implementation of the United Nations Declaration in Serbia; and that it should suggest that the Secretary-General should give considerable priority to the situation in Kosovo and Voijvodina.

88. Mr. NOGXINA (Observer, African National Congress) said that the climax of the Botha era had been total war declared upon the majority of the people of South Africa in which the entire machinery of the State had been geared to crush dissent and in which any democratic or patriotic force had been considered a legitimate target of the State. The coming to power of President De Klerk had seemed to promise a fundamental shift in priorities in National Party thinking. The lifting of the ban on the African National Congress (ANC) and other organizations, and the apparent relegation to secondary importance of the roles of State Security Council, the military and the police, had raised hopes among the majority of South Africans and in the rest of the world. Most people in South Africa had believed that the era of effective rule by the security forces would be replaced by the rule of law and had hoped that the new era would see armed reaction by the State and the struggle to seize power by arms replaced by political struggles and a peaceful political settlement. President De Klerk had made that clear in an address to top police officers in January 1990.

89. Since then, however, there had been a lack of progress in the negotiations and President De Klerk's response to the violence issues had been consistently unsatisfactory. His strongly proclaimed dedication to the vision of a new, just, non-racial and democratic South Africa had not been matched by

equal analytical vigour and dedication when dealing with the systematic violence which had exploded in a seemingly uncontrollable and vicious cycle and was rapidly becoming the primary factor which could not only derail the negotiations but could also seriously affect the capacity to achieve a stable and lasting negotiated settlement.

90. The South African Government had done little to end the carnage currently gripping South Africa. Violence in the townships continued to be the order of the day, and what was even more disturbing was that when whites were victims the Government was quick to react by promising prompt action and offers of rewards to those who might provide information leading to the arrest and conviction of the culprits, whereas that type of enthusiasm was clearly absent when blacks died in their hundreds. Between 1 May and 9 July, more than 600 black people had died in violence, and in the first half of 1993, 1,387 black people had been killed and 2,331 injured. The number of people who had died in custody by the end of May stood at 18.

91. The Government had failed to act on recommendations made to ease the violence. In July 1993 marchers in Thokoza had been fired upon by hostel residents in full view of the police. Tens had died. In August 1993, over 120 people had died in clashes involving residents of Thokoza and Katlehong and hostel dwellers, who were predominately Inkatha supporters. The failure of the Government to act in implementing the agreements reached and the recommendations of the Goldstone Commission on Hostels exposed its true nature. The Goldstone Commission had uncovered a number of cases involving police informers, ambushes, the misuse of development money and murders.

92. On 19 December 1992, President De Klerk had retired 23 defence force officers implicated in a number of illegal activities and in violence. However, several other officers implicated in illegal activities remained in their positions, the most prominent were being Chief of the Army, General George Meiring, and the Chief of Staff Intelligence, "Joffel" van der Vesthuisen.

93. The mainspring of political violence in South Africa remained the fear of democracy and the ballot box, which would expose a lack of popular support for some political parties. Driven by their fear of the popular verdict, some elements inside and outside the Government had resorted to the employment of violence as an instrument to perpetuate the status quo. The growth of the right wing within the security forces, particularly the police, posed a serious threat to the whole democratization process, since the police force was capable of sabotaging the process by deed or inaction. It was not as a result of incompetence that the police had failed to apprehend the culprits of the train attacks and other atrocities or to act against certain hostel dwellers and other known perpetrators of violence. Police support for several criminal gangs engaged in terrorizing and destabilizing communities continued, the recent escape from jail of many thugs providing the two starkest examples of its complicity.

94. Clear patterns existed within the violence. They might have been masked by various factors ranging from media reports characterizing the ongoing mayhem as "black on black violence" or a tribal feud between Xhosas and Zulus. There was, however, clear evidence that the violence erupted at points where

it most weakened the liberation movement and died down dramatically when it would most harm the regime. It appeared to be switched on and off at strategic moments. Whenever the negotiators announced that they were on the verge of a break-through, the violence reached high proportions. As the formal apparatus of South African oppression had been dismantled, its function of crippling political opposition had been replaced by the instigation of violence. In that context ANC had called for the joint control of the security forces during the transitional period. In any case, the present violence must be stopped if democracy was to be achieved.

95. Mrs. ATTAH urged the Security Council to take every possible action to halt the senseless war in Angola and to provide massive humanitarian aid to thousands of starving people. It had been reported that 10,000 people had been killed, mainly by land-mines, in the past few days. Thousands of displaced persons, both inside and outside Angola, continued to suffer silently from every deprivation and violation. The United Nations must assist those long-suffering people to achieve peaceful coexistence.

96. The United Nations must take a fresh look at what was happening in Somalia. The Organization had gone into Somalia in the first place to provide humanitarian assistance. Food had reached everyone and starvation was no longer a threat to life. There was relative peace between the warlords so that civilian life was gradually returning to normal. Nevertheless the peace talks for the establishment of an effective administrative machinery had yet to take place. The United Nations had also been bogged down by unfortunate incidents which had resulted in the deaths of 26 Pakistani United Nations soldiers and the retaliatory measures taken by the United States troops had led to the deaths of about 100 Somali men, women and children. The press had reported that General Aidid's war council had been wiped out in that raid. Four United Nations soldiers had subsequently been killed by mines and retaliation had been threatened. She urged reconsideration of the proposed action which would not serve any useful purpose. It would be more appropriate to resuscitate the peace talks and to assist the Somalis to reach early agreement on an interim national Government so that reconstruction activities could be pursued in order to lessen terrorism.

97. The international community should feel relieved that the fratricidal war in Liberia, which had claimed thousands of civilian lives, was finally coming to an end. It had been reported that the warring factions had signed a final peace agreement and had agreed to lay down their arms. Those developments called for cautious optimism but, until a new Government was elected and permitted to function effectively, the international community must monitor events so as to avoid a possible repetition of the unfortunate situation in Angola. Liberia and the neighbouring States of Sierra Leone and Guinea would need massive humanitarian assistance for the rehabilitation of the victims of the war and for the reconstruction of the destroyed infrastructure.

98. Bosnia would continue to figure in discussions on human rights violations as long as the killings, rapes and other abhorrent acts continued. The international community had inadvertently contributed to the suffering and humiliation of the people in Bosnia because it had got its priorities wrong and had been more concerned about getting humanitarian aid there than about halting the war immediately. The United Nations had even assisted in the

process by moving communities around. If the United Nations did not wish to place its own troops at risk, it should insist that all the former residents of Bosnia and Herzegovina should be allowed to return to their original homes, if they so desired. Those people could not be denied the right to return as otherwise the refugee problem would never be resolved. The sufferings of the victims, especially the Bosnian Muslims, must be contained while the Serbs must be told categorically not to violate the rights of other citizens, particularly the rights to life and the dignity of the person.

99. The massive destruction of property and the heavy toll in human lives suffered by the citizens of Lebanon did not auger well for peace. The United Nations had always urged Israel to show restraint in retaliating for the deaths of its citizens as such retaliation could only lead to a vicious circle of deaths. She appealed to all sides to maintain peace and to Israel to hasten the negotiating process for the self-determination of the Palestinian people.

100. In conclusion, it was her view that the international community should give serious consideration to the importance of curtailing the production of arms, large and small, with a view to preserving lives and encouraging peoples to live in peace among themselves and with their neighbours.

101. Ms. HAJIHASSA (International Falcon Movement) said that, during the past two months, a new wave of arrests and cruel harassments of women had been launched in Iranian cities by Revolutionary Guards and other agents of the ruling regime. Women were being taken away to be flogged for so-called "improper veiling". The absence of legal protection for women and their humiliation by the State had led to a shocking number of suicides among Iranian women. It had however been reported that, following a message by Mrs. Maryam Rajavi, the Secretary-General of the Mojahedin Organization of Iran, calling for resistance to those aggressions and intimidations, people had been defying Revolutionary Guards in defence of such women.

102. The mullahs had always reacted by stepping up the terrorist campaign of their agents to assassinate dissidents abroad. The Sub-Commission had adopted a resolution in 1992 expressing concern at the extensive political executions and murders of opponents abroad by the Iranian regime. Subsequently, on 29 January 1993, the mutilated body of Ali Akbar Gharbani, a Mojahedin member, had been found by the Turkish police. Mr. Sezgin, Interior Minister of Turkey, had officially blamed the Tehran regime for that crime. Other murders by agents of the Iranian regime included those of Mohammad Hossein Naghdi, member of the National Council of Resistance of Iran and a former ambassador, on 16 March 1993, and Mohammad Hassan Arbab, a Mojahedin member, on 6 June 1993. Such assassinations of dissidents abroad was a telling indication of the multitude of human rights violations inside Iran.

103. The newly published book Islamic Fundamentalism: The New Global Threat had revealed for the first time the structure of the network of hit teams under the supervision of the highest Iranian authorities. According to the book, the "Qods Force", set up within the Guards Corps in 1990, was in charge of all extraterritorial operations which it carried out in coordination with the Ministry of Foreign Affairs and the Intelligence Ministry. The latest report on terrorism by the United States State Department had described the

Iranian Government as the most dangerous sponsor of international terrorism. According to one report, since the Ayatollah Khomeini's death in 1989, terrorist forces financed by the Iranian regime had carried out a total of 103 terrorist acts in 17 countries.

104. The question which arose was what the international community should do about the Iranian Government's human rights violations and terrorism. Her organization believed that the time had come for the Security Council to give serious consideration to the conduct of the Islamic Republic of Iran in its violations of the most fundamental rights of the Iranian people, its support for international terrorism and breach of all its obligations and commitments to international laws and conventions. The current session should provide practical means and recommendations to that end.

105. Mr. MARTA (International World Group for Indigenous Affairs) said that, apart from a few domestic changes to mislead world opinion, the Government of Myanmar had made no attempt to comply with General Assembly resolution 47/144, Commission on Human Rights resolution 1993/73 and the recommendations contained in the report of the Special Rapporteur (E/CN.4/1997/37).

106. The human rights situation in that country remained at least as bad as it had been in 1992. Hundreds of political leaders continued to be deprived of their liberty; the 1991 Nobel Peace Laureate, Daw Aung San Suu Kyi, was in her fifth year of house detention; the result of the 27 May 1990 general elections had still not been respected by the military junta; approximately 400,000 refugees were still in neighbouring countries and the number in Thailand was growing; and the genocide against ethnic peoples continued notwithstanding government denials.

107. The army was making preparations for a renewed offensive on Marnerplaw, the headquarters of the Karen Government and resistance forces. The offensive could begin as early as October 1993 at the end of the rainy season. The army had also launched a full-scale pogrom against Karen civilians in the area under its control. Most of those victims were currently fleeing to other areas where they had relatives or were hiding in the jungle. The soldiers were burning homes, destroying crops and forcing the villagers to relocate while at the same time systematically raping and torturing all civilians living there.

108. Massive forced relocation by government troops was taking place in the western Karen State where over 10,000 people in dozens of villages had been moved under penalty of death. In most cases home areas had been declared free-fire zones by the military. The Government was clearly strengthening its supply lines for the upcoming offensive while establishing a captive population easily available as slaves and porters. The objective of the coming offensive had been stated to be to wipe out the Karen insurgence completely.

109. Massive abuses of human rights continued against many of Burma's ethnic nationalities such as the people of Karenni State, the Araknese Muslim refugees and the villagers in Shan State.

110. In the meantime, the Government claimed that ethnic peoples would receive their rights through their representatives at the National Convention. It was clear however that no elected representatives would be authorized to speak on behalf of the ethnic nationalities and that there was no intention of granting any rights to the ethnic peoples.

111. The delegations of Myanmar at international events continued to deny that even the slightest abuses of ethnic peoples were taking place; it was therefore clear that only international action could protect the indigenous peoples of that country. His organization hoped that the Sub-Commission would support such action.

112. Mr. ELMUFTI (Observer for Sudan), making a statement equivalent to a right of reply, thanked the representative of Anti Slavery International for the Protection of Human Rights for the interest it had shown in events in the Nuban mountain area, but at the same time wished to point out that information contained in its statement had not been accurate and appeared to be the result of hearsay. It had been stated that the region was in the south of the country but in fact it was in the west. While that was not a substantive matter, facts quoted should be correct.

113. People had left certain regions, not because of government projects, but because of attacks by rebels who had stolen cows and plundered agricultural products so that the villagers could not lead a peaceful life. People from the Nuban mountain area had accordingly gone to the north which was under the control of government forces and was a peaceful area.

114. The Government had taken measures to deal with the exodus. Those who had fled had been given housing assistance, medicine and educational facilities. The international community had also provided assistance for which his Government was grateful. The Government had also opened camps and in early 1993, the representative of the Secretary-General had visited them and had submitted a report to the United Nations.

115. The Government had also made efforts to persuade people to return home and to establish peace in the Nuban mountain area. It had already facilitated the repatriation of 10,000 people and had created a project through which they could once again earn their livelihood. The door was open to any visitor who might wish to inspect the area. A month earlier the Special Rapporteur had expressed a wish to visit the Nuban mountain region; Sudan welcomed such a visit which would take place in September 1993.

116. In conclusion he wished to thank Anti Slavery International for the Protection of Human Rights for its interest in the matter but would like to say that, if work was performed on the basis of information provided by the political opposition, the result would only assist that opposition to exploit the situation for its own purposes. His Government was trying to cope with the situation and he hoped that its role in that connection would be recognized.

The meeting rose at 1 p.m.